

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

BOBBY SINGLETON, et al.,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	Case No.: 2:21-cv-1291-AMM
)	
JOHN H. MERRILL,)	THREE-JUDGE COURT
Secretary of State, et al.,)	
)	
<i>Defendants.</i>)	

EVAN MILLIGAN, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No.: 2:21-cv-01530-AMM
)	
JOHN H. MERRILL,)	THREE-JUDGE COURT
Secretary of State of Alabama, et al.,)	
)	
<i>Defendants.</i>)	

MARCUS CASTER, et al.,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	Case No.: 2:21-cv-01536-AMM
)	
JOHN H. MERRILL,)	
Secretary of State of Alabama, <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	

**NOTICE REGARDING DEFENDANTS' POSITION
ON ISSUES RAISED BY THE COURT**

At a status conference on January 28, 2022, the Court asked the parties to report on their positions concerning the use of Richard Allen as a Special Master, and Dr. Nathaniel Persily as a demographer, in the event the Court retains such officials. Defendants respond as follows:

Defendants have no objection to Richard Allen serving as special master if needed. Defendants likewise have no objection to Dr. Persily serving as a demographer if needed, provided he is paired with a special master such as Mr. Allen who is familiar with Alabama and her communities of interest, and provided he has not discussed this case with counsel for any party or publicly taken a position on the preliminary injunction.

Defendants note that the district court has provided the Legislature until February 7 to pass a remedial plan and that Defendants on January 28, 2022, filed with the Supreme Court an emergency application for a stay of this Court's preliminary injunction order. *See Merrill v. Milligan*, No. 21A375; *Merrill v. Caster*, No. 21A376. The Supreme Court ordered responses from the Plaintiffs by Wednesday, February 2 at noon ET. The Court could issue a stay at any time thereafter, or an administrative stay before that time. Thus, because any special master or map-drawer hired by this Court will be paid for at Defendants' expense,

Defendants object to any Court-retained experts incurring costs until after February 7, 2022.

Respectfully Submitted,

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/s/ James W. Davis
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***Counsel for Sen. McClendon and Rep.
Pringle***

CERTIFICATE OF SERVICE

I certify that on February 1, 2022, I electronically filed the foregoing notice with the Clerk of the Court using the CM/ECF system, which will send notice to all counsel of record.

/s/ James W Davis

Counsel for Secretary Merrill